

## **REMARKS**

### **The Office Action**

Claims 1, 7-12 and 22-26 remain in this application. Claims 2-6 and 13-21 have been cancelled. New claims 22-26 have been added.

Claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shtivelman et al (U.S. Pat. No. 6,259,692) in view of Epler (U.S. Patent No. 6,026,156).

Claims 1, 7-12 and 22-26 are distinguished from the cited art.

### **Claims 1, 7-12 and 22-26 Are Patentably Distinguishable from the Cited Art**

Currently amended claim 1 calls for "storing in a database a subscriber's caller screening criteria, said criteria including at least one of calling line identification restrictions, caller identification restrictions, date restrictions, days of the week restrictions, and time restrictions" and "when a telephone call is placed to said subscriber's telephone line, ascertaining whether a calling party has input a subscriber-defined access code and whether the calling party number is permissible according to said criteria, said access code comprising an ICW trigger code adapted to trigger the operation of said ICW server and established by the operator of said PSTN and a security code." At least these features are not taught or suggested by the cited references.

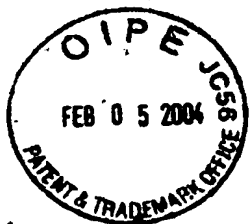
First, Shtivelman fails to teach storing caller screening criteria in a database. In particular, Shtivelman provides for an alert signal to be sent over the Internet to the client, whereby the client may make a decision on how to treat the new call. See col. 5, lines 42-56, col. 8; and lines 10-15 and FIG. 2. The client may respond to the alert in a number of ways. See col. 5, lines 57-63. Thus, Shtivelman does not teach or suggest the feature of storing pre-selected caller screening criteria for the client. Further, Epler includes a database 55 in the system for storing such information as the user's

telephone number, pin number, and recorded messages. See col. 4, lines 30-32; and col. 5, lines 1-10. However, Epler does not disclose storing a flexible list of caller screening criteria in the database, such as calling line identification restrictions and caller identification restrictions, as well as temporal restrictions based on dates, days of the week, and/or the time of the call.

Second, as acknowledged by the Examiner in the Office Action, Shtivelman fails to teach ascertaining whether an access code has been entered and whether the call is permissible. However, the Examiner alleges that Epler teaches the claimed ascertaining feature and that it would have been obvious to combine the teaching of Epler with Shtivelman. Without conceding the obviousness of the combination, applicants note that the combination still fails to teach all the features of the claim.

In particular, the applicants respectfully disagree that Epler discloses the claimed ascertaining feature. Epler is directed to a system for providing call waiting services to a user but does not relate to Internet service. In particular, when the user is on a call and a second party attempts to reach the user, the system advises the second caller that the user is engaged in a telephone conversation and allows the second caller to determine whether to interrupt the user or choose another alternative. The user can then decide whether to accept the call from the second caller, putting the first caller on hold, or to refuse the second call. As provided at col. 6, lines 34-66, Epler teaches that the caller may touch 1 to attempt a connection with the user. If the caller touches 1, then the user will hear a prompt (usually a beep or tone) indicating that a call is waiting. Epler does not teach or suggest, however, ascertaining whether an access code has been entered before sending the call through, where the access code consists of two parts, an ICW trigger and a PIN.

Therefore, a *prima facie* case of obviousness has not been established at least inasmuch as the alleged combination does not expressly disclose or fairly suggest all



the claimed features. The rejection of claim 1, and claims 7-12 that now depend therefrom, should therefore be withdrawn.

New claims 22-26 have been added to further clarify the present application. Support for these new claims may be found throughout the specification.

### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1, 7-12, 22-26) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone John S. Zanghi, at (216) 861-5582.

Respectfully submitted,

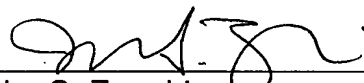
FAY, SHARPE, FAGAN,  
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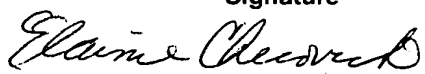
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